

REMARKS

In the outstanding Office Action, claims 1-10 were rejected under 35 U.S.C. §102(c) over WILDFEUER et al. (U.S. Patent No. 6,829,244).

Upon entry of the present Response, claims 1-10 will have been amended without prejudice to or disclaimer of the subject matter recited therein. Claims 11-20 will have been added for consideration. The cancellation of claims 1-10 should not be considered an indication of Applicants' acquiescence as to the propriety of the outstanding rejection. Rather, claims 1-10 have been cancelled and claims 11-20 added for consideration in order to advance prosecution and obtain early allowance of claims in the present application.

The rejection of claims 1-10 has been rendered moot in view of the cancellation of claims 1-10 and the addition of claims 11-20. However, for at least the reasons set forth below, Applicants traverse the rejection of claims 1-10 insofar as claims 11-20 recite combinations similar to the combinations previously recited in claims 1-10.

The memory controller 214 in WILDFEUER controls the period of time that PCM data 108 is stored in the memory 204 of the jitter buffer 114 before being forwarded through the PCM controller 112a to the PSTN 104(a). That is, the memory controller 214 controls a playout delay for the memory 204 in WILDFEUER (see column 5, lines 22-29). According to WILDFEUER, a jitter buffer control logic 300 in the memory controller 214 in the jitter buffer 114a controls the timing of the output process by resetting the playout delay based upon underflow or overflow.

In contrast, new claims 11-20 recite features of changing a rate at which a predetermined process is performed on the data. For example, new independent claim 11 recites "a controller that adjusts a data output rate at which the data is output from the memory and a data processing rate at which the predetermined process on the data is performed, according to a data amount within the

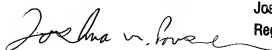
memory". Additionally, new independent claim 18 recites "adjusting a data output rate at which the data is output from the memory and a data processing rate at which the predetermined process is performed on the data using the data processor, according to a data amount within the memory". WILDFEUER does not disclose or suggest these features of new independent claims 11 and 18. The adjusted data processing rate of the predetermined process as in the pending claims is not disclosed by the adjusted payout delay in WILDFEUER.

As described above, independent claims 11 and 18 are allowable over WILDFEUER for at least the reasons set forth above. Dependent claims 12-17 and 19-20 are allowable at least for depending, directly or indirectly, from an allowable independent claim as well as for additional reasons related to their own recitations.

Accordingly, reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of each of the claims now pending is respectfully requested.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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